PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):   Michael John WRAY et al.   **Confirmation No.:**   8275

Serial No.:   10/811,305   **Examiner:** Harris C. WANG

Filed: March 29, 2004   **Group Art Unit:**   2439

Title: SECURITY POLICY IN TRUSTED COMPUTING SYSTEMS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF - PATENTS

Sir:

The Appellant respectfully submit this Reply Brief in response to the Examiner's Answer

mailed on September 3, 2009, and thus, this Reply Brief is timely filed within two months of the

Examiner's Answer.

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(1)   Status of Claims

Claims 1-12 are pending in the present application and stand rejected.

Therefore, claims 1-12 of this application are at issue on this appeal.

(2)   Grounds of Rejection to be Reviewed on Appeal

A.   Whether claims 1-2 and 10-12 were properly rejected as being anticipated under

35 U.S.C. § 102(b) by U.S. Patent Application Publication No. 2002/0194496 to Griffin et al.

(hereinafter "Griffin").

B.   Whether claims 3-9 were properly rejected under 35 U.S.C. §103(a) as being

unpatentable over Griffin in view of U.S. Patent Application Publication No. 2004/0003288 to

Wiseman et al. (hereinafter "Wiseman").

(3)   **Arguments**

   A.   **The rejection of claims 1-2 and 10-12 under 35 U.S.C. § 102(b) as being anticipated by Griffin should be reversed.**

In the "Response to Argument" section in the Examiner's Answer, the Examiner argues that the Appellant's arguments are not consistent with the claim language because claim 1 recites "**if** the services or processes are enabled" but the Appellant argues "**when** the services or processes are enabled" (See *Examiner's Answer*, pages 9-10). However, regardless of whether "if" is different from "when" in this matter, Griffin still fails to teach a security rule relating to a second compartment being **only arranged to be loaded** onto a trusted computing platform **if** the services or processes associated with the second compartment are enabled, as recited in claim 1, for reasons set forth below.

In the Examiner's Answer, the Examiner argues that Griffin teaches in paragraph [0036] that a security rule **is loaded only if** communication or access between compartments is enabled (See *Examiner's Answer*, page 10). That assertion is respectfully traversed because paragraph [0036] does not disclose a security rule being loaded. Furthermore, in paragraph [0036], a security rule is **not disclosed to be loaded only if** communication or access between compartments is enabled, as asserted by the Examiner. Instead, paragraph [0036] discloses the security rules **indicate** whether the compartments can or cannot communicate with each other. That indication does not mean the security is arranged to be loaded. There is nothing in paragraph [0036] related to the security rules being arranged to be loaded, under any condition. In fact, the security rules in Griffin appear to be loaded into the table of rules regardless whether the compartments are or are not allowed to communicate with each other. Accordingly, Griffin

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fails to teach a security rule relating a second compartment **being only arranged to be loaded if** services or processes associated therewith is enabled, as recited in claim 1.

Regarding claim 2, the Examiner asserts in the Examiner's Answer that paragraph [0034] teaches rules being enforced when the resources are enabled (See *Examiner's Answer*, page 10). However, that assertion is respectfully traversed. Paragraph [0034] discloses that each resource is given a label indicating the compartment to which the resource belongs, and mandatory access controls are performed to ensure that resources from one compartment cannot interfere with resources in another compartment (See *Griffin*, paragraph [0034]). Thus, paragraph [0034] discloses about mandatory access controls. However, paragraph [0034] fails to teach any security rule being arranged to be added, much less being arranged to be added if a variable associated with a compartment is enabled, as recited in claim 2.

In view of the foregoing reply and the discussions in the Appeal Brief, the Board is respectfully requested to reverse the rejection of claims 1-2 and 10-12.

B.   The rejection of claims 3-9 under 35 U.S.C. §103(a) as being unpatentable over Griffin in view of Wiseman should be reversed.

Regarding claims 3-4, the Examiner asserts in the Examiner's Answer that the Examiner interprets "the determining of whether there are necessary functions to complete initialization" to be the "variable" recited in claims 3-4 (See *Examiner's Answer*, page 11). That assertion is respectfully traversed because it cannot be understood how the determining of whether there are necessary functions to complete initialization is a "variable." It is unreasonable to interpret a determination as a "variable ... arranged to be added" as recited in claim 3 because a

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determination of whether there are necessary functions to complete initialization is not

something to be added.

Furthermore, paragraph [0005] merely discloses that the Main Platform Initialization

Code performs necessary functions to complete the initialization of the platform, and then after

all devices in the platform and elsewhere in the system are initialized, the Main Platform

Initialization Code executes the OS loader (See *Wiseman*, paragraph [0005]). Thus, the

disclosure in paragraph [0005] of Wiseman is about ensuring that all devices are initialized

before executing the OS loader. As such, there is no "variable" associated with the locating and

initializing of all devices in a system. Moreover, paragraph [0005] of Wiseman fails to teach that

the Main Platform Initialization Code of Wiseman determines a status of a variable "in response

to a compartment being enabled" as recited in claim 4.

In view of the foregoing reply and the discussions in the Appeal Brief, the Board is

respectfully requested to reverse the rejection of claims 3-9.

(4)   Conclusion

For at least the reasons given above, the rejection of claims 1-12 is improper. The

Appellant therefore respectfully requests that the Board of Patent Appeals and Interferences

reverse the Examiner's decision rejecting claims 1-12 and direct the Examiner to pass the case to

issue.

Please grant any required extensions of time and charge any fees due in connection with

this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

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